

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

APRIL PEREZ,
Plaintiff,
v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION,
et al.,
Defendants.

Case No. [11-cv-02134-JST](#)

ORDER TO SHOW CAUSE

By May 1, 2013, Donald Mah and William Reustle, counsel for Plaintiff Perez, shall show cause in writing why they should not be sanctioned for failure to comply with this Court's orders, the Federal Rules of Civil Procedure, and the local rules of this district. *See Miranda v. S. Pac. Transp. Co.*, 710 F.2d 516, 521 (9th Cir. 1983) (discussing the types of sanctions that a district court may impose on a noncomplying attorney); *see also* Civil L.R. 1-4 ("Failure by counsel or a party to comply with any duly promulgated local rule or any Federal Rule may be a ground for imposition of any authorized sanction."); Civil L.R. 11-6 (discussing the authority of a district judge to refer an attorney who has engaged in unprofessional conduct to the Court's Standing Committee on Professional Conduct or to the Chief District Judge).

The bases for this order, and the failures counsel must address in their response to this order, are as follows: First, counsel for Perez failed to appear at the case management conference held on April 17, 2013, as required by this Court's order, Federal Rule of Civil Procedure 16, and the local rules of this district. Second, counsel for Perez failed to participate in the preparation of a joint case management statement as required by this Court's reassignment order. *See Order Re: Failure to Comply with Reassignment Order*, ECF No. 48; Donald Decl. ¶ 9, ECF No. 50. Third, counsel for Perez have failed to respond to the letters and telephone calls of Karen Donald,

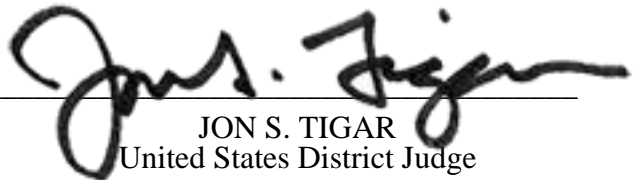
1 counsel for Defendants, with respect the preparation of statements required by the local rules of
2 this district. *See* Donald Decl. ¶ 5 & Ex. A, ECF No. 43. Finally, counsel for Perez failed to file a
3 notice of appearance as required by Civil Local Rule 5-1(c).

4 The Court notes that Donald Mah currently is not eligible to practice law, as he was
5 “ordered inactive” by the State Bar of California on December 30, 2012. *See* Civil L.R. 11-8 (“A
6 person who exercises, or pretends to be entitled to exercise, any of the privileges of membership in
7 the bar of this Court, when that person is not entitled to exercise such privileges, may be referred
8 to the Standing Committee in addition to any action authorized by applicable law.”).

9 Counsel for Perez are ordered to serve a copy of this Order on Plaintiff Perez and to file a
10 certificate of service in ECF no later than April 29, 2013.

11 **IT IS SO ORDERED.**

12 Dated: April 22, 2013

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JON S. TIGAR
United States District Judge